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F. #2006R01942

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED UNDER SEAL

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UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

- against -

(18 U.S.C. § 1344)

MICHAEL BONSERA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL SAAR, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (FBI), duly appointed according to law and acting as such.

Upon information and belief, in or about and between November 2005 and August 2006, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL BONSERA executed a scheme and artifice to defraud financial institutions, to wit: Citibank, N.A.

("Citibank"), Atlantic Bank of New York ("Atlantic Bank"), Bank of America ("BOA") and the Bank of Smithtown ("Smithtown Bank"), and to obtain monies, funds and credits, owned by and under the custody and control of said institutions by means of false and fraudulent pretenses and representation.

(Title 18, United States Code, Section 1344)

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been a Special Agent with the FBI since 1994. I make this affidavit in support of the application for an arrest warrant for the defendant MICHAEL BONSCERA. The information set forth in this affidavit is based upon discussions with other law enforcement officials, interviews of various individuals, and my review of documents.

2. Between in or about November 2005 and August 2006, the defendant MICHAEL BONSCERA was a principal owner of Bonsera Brothers Recycling Corporation ("Bonsera Bros.") and both LMR of NY, LLC and LMR Services Corporation (collectively, "LMR"), all companies located in Syosset, New York. During this period, the defendant MICHAEL BONSCERA was a signator of and effectively controlled LMR accounts at Citibank, located in Plainview, New York and Smithtown Bank, located in Smithtown, New York.

3. Between in or about November 9, 2005 and December 23, 2005, the defendant MICHAEL BONSCERA caused to be deposited into the LMR account at Smithtown Bank six checks for amounts totalling \$119,354.32 and purportedly drawn upon the BOA account of a company called Long Island Bulk Brokers ("LIBB"). According

^{1/} Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause to obtain a warrant for the arrest of the defendant, I have not described all of the relevant facts and circumstances of which I am aware.

to BOA officials, no such account existed during this period. Moreover, on January 17, 2006, when Smithtown Bank froze LMR's account, the account was overdrawn by \$69,304.28.

4. Between on or about May 19, 2006 and August 3, 2006, the defendant MICHAEL BONSCERA caused to be issued seven checks for amounts totalling \$54,286.87, and drawn upon the LMR account at Citibank, which were presented by the payee, Metro Fuel Oil Corporation ("Metro Fuel"), to Atlantic Bank for payment. According to Citibank officials, the LMR account there was closed during this entire period. Moreover, on August 22, 2006, when Metro Fuel stopped providing diesel to LMR, LMR owed Metro Fuel approximately \$142,000.

5. Citibank, Atlantic Bank, BOA and Smithtown Bank are all financial institutions insured by the Federal Deposit Insurance Corporation.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant MICHAEL BONSCERA so that he may be dealt with according to law.



MICHAEL SAAR
Special Agent
Federal Bureau of Investigation

Sworn to before me this
1st day of March 2008
2008

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK